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Ms. Rosalind Allen
Federal Communications Commission
2025 M. Street, Room 7002
Washington, DC 20554

Reference: Ex Parte Presentation - FCC Docket 93-144

Dear Ms. Allen,

FedEx would like to state its formal opposition to the changes proposed in the above referenced docket. After spending considerable time analyzing these proposed changes, the recommended methods of enabling these changes, and the current 800 MHz band environment, we have come to the conclusion that the proposed plan to create auctionable spectrum by the relocation of the incumbent licensees is defective. This proceeding is based on inaccurate assumptions, which could only result from the lack of an objective analysis of the 800 MHz band as it exists today.

Never before in our experience in regulatory matters have we read a proposal that would negatively impact so many for the benefit of so few.

We would like to respond to a few of the questions that were put forth by FCC Wireless Telecommunications Bureau staff at the September 18 public meeting regarding this docket.

CHANNEL ASSIGNMENTS

Question: Should the upper 10 MHz of the 800 MHz SMR spectrum be designated for wide area licensing?

Answer: No.....not at the sacrifice of the non-wide area CMRS and PMRS licensees. If this docket is finalized, the incumbents will be reduced to second class licensees. They will be unable to modify, enhance or expand their systems as required to accommodate even minor changes or growth in their base business. The term "Wireless Dinosaurs" comes to mind.

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An obvious question regarding the “contiguous spectrum” aspect of this docket was not asked. “Why do the wide-area providers need contiguous spectrum?”

Many of us in the industry suspect that the true reason for the quest for contiguous spectrum is to gain regulatory relief from the technical requirements of the digital modulation mask imposed by 90.209(g). This would allow a “cheap solution” to the current technical problems with voice quality in the new digital equipment.

We don’t see the total disruption of the 800 MHz band as being in the public interest if this disruption primarily benefits one or two service providers and/or equipment manufacturers.

TREATMENT OF INCUMBENTS

Question: Should there be mandatory relocation?

Answer: No.....You cannot relocate to radio channels that are not there. The lack of unlicensed, unused radio spectrum will prevent the relocation of incumbents in all but the smaller markets.

“Comparable Facilities” - Staff Requests Further Comments:

FedEx Comments: Comparable Facilities consist of the following:

“The same service area...” This must consider co-channel interference levels as well as theoretical area of coverage. In most cases, service area will be primarily defined by the location of the co-channel licensee. How can the existing service areas of incumbents be realistically protected with numerous relocations in process at the same time?

“The same number of channels...” The same number of channels that are compatible with the other frequencies and community antenna systems at the same radio site that is required to give the same service area as defined in the above paragraph.

FedEx has been heavily involved in 800 MHz site relocation and frequency change activities over the past 15 years. It has been our firsthand experience that in at least 50% of these cases, frequency incompatibility with other site users, or with the existing community antenna systems has prevented us from finalizing the desired changes.

The relocation of incumbents within the 861 to 866 MHz band is an extremely complicated undertaking. As of yet, we have not seen any analysis of the feasibility of this proposal, or any plan for its organized implementation.

LICENSING ISSUES

Question: What should be done with the General Category Band?

Answer: The General Category Band should remain a shared band and be left unchanged. There is nothing to be gained by restricting the band to SMR only, or freezing further licensing. As FCC staff admits, most of the band is already in SMR use. FedEx has found few, if any, channels available in any real area of commercial interest.

The plan of harvesting contiguous channels for future auction from the SMR 80-channel mid-band and the General Category Band is futile. There are no channels available now for relocation of incumbents in markets with any commercial value, much less after the 861 to 866 MHz band has been cleared. Since many incumbents will be unable to relocate due to lack of channels, the spectrum designated for auctioning will be fragmented and take on a "used" connotation.

The now optimistic wide-area CMRS candidates are operating under the "If we build it, they will come" marketing assumption. If this docket is finalized, we expect two results. First, the revenue from the auction will be considerably less than expected due to the used nature of the spectrum. Second, the amount of spectrum auctioned will be excessive for the potential market. Even though it was auctioned to the highest bidder, much of the wide-area spectrum will be squandered in extended construction schedules, or simply take up space on excessive bandwidth systems. The end result will be that FedEx, other private users and the smaller commercial providers will be compressed into very small segments of the band with no system flexibility or capacity to grow.

We recognize that you and your staff have worked extremely hard at developing a workable plan that would allow the maximum benefits of emerging technologies to be realized in this band, while generating the maximum revenue from our spectrum resource. However, there comes a time when we have to admit that the ends do not justify the means. This is one of those times. There are other ways of generating revenue that avoid the crippling impact to private radio users that this action would have.

FedEx urges the Wireless Telecommunications Bureau staff to recommend that the Commissioners dispose of this docket without any further action. Relocation of the large number of incumbents in this band is not practical and will only result in disruption and degradation of communications critical to the efficient operation of American business.

Sincerely,



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cc: FCC Commissioners